

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

1:03cr90WJG-2

AARON WHAVERS

ORDER DENYING MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the *pro se* motions [106-1, 110-1] of Defendant Adrian Whavers for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission [Sentencing Commission] to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008.

As reported by the United States Probation Office [USPO], Defendant's sentence was originally calculated based on the amount of cocaine hydrochloride (cocaine powder) attributed to the Defendant rather than crack cocaine (cocaine base). The Federal Public Defender's Office has advised the Court that it concurs with the opinion of the USPO, and further, it will not file a motion on Defendant's behalf. The Court therefore finds that Defendant is ineligible for a sentence reduction under the guideline amendments. It is therefore,

ORDERED AND ADJUDGED that Defendant's motion [106-1, 110-1] for sentence reduction be, and is hereby denied.

SO ORDERED AND ADJUDGED this the 18th day of August , 2008.

Walter J. Fox III
UNITED STATES SENIOR DISTRICT JUDGE